

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 18, 2006

Division: Growth Management

Bulk Item: Yes No X

Department: Planning and Environmental Resources

Staff Contact Person: Tim McGarry

AGENDA ITEM WORDING:

A public hearing to consider a resolution to **extend** the zoning in progress deferring the acceptance and processing of development applications and the issuance of development approvals for the redevelopment or conversion of ten units or more of multi-family rental housing and/or mobile home parks and continuing this policy until Land Development Regulations are adopted by the County Commission, and providing for expiration within three months after the expiration of resolution no. 320-2005, whichever comes first.

(1st of one public hearing)

ITEM BACKGROUND:

On August 17, 2005, the Board of County Commissioners adopted Resolution No. 320-2005. Section 2 of Resolution No. 320-2005 provides that the resolution shall stand repealed until new land development regulations are adopted or the passage of 180 days after the adoption of Resolution No. 320-2005. The 180th day after the adoption of Resolution No. 320-2005 is February 17, 2006, which means the interim moratorium will expire prior to effectuating the provisions of the land development regulations. Staff has brought draft revisions to the Planning Commission on two separate occasions and is scheduled to bring forth additional revisions at the January 11th, 2006 Planning Commission meeting. It will be at least several months before these amendments to the land development regulations will be adopted, extending past the time for expiration of the zoning in progress.

PREVIOUS REVELANT BOCC ACTION:

On August 17, the Board of County Commissioners adopted Resolution No. 320-2005. On December 21, 2005 Resolution No. 320-2005 was amended to provide an exception to the policy if the property owner is willing to provide at least 30% of the total redeveloped units for affordable housing by placing a 99 year restrictive covenant on each unit.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes No N/A

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No AMOUNT PER MONTH N/A Year

APPROVED BY: County Attorney X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

Timothy J. McGarry, AICP

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

ZONING IN PROGRESS

A RESOLUTION TO EXTEND A ZONING IN PROGRESS DIRECTING STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS AND THE ISSUANCE OF DEVELOPMENT APPROVALS FOR THE REDEVELOPMENT OR CONVERSION OF TEN UNITS OR MORE OF MULTI-FAMILY RENTAL HOUSING AND/OR MOBILE HOME PARKS; CONTINUING THIS POLICY UNTIL NEW LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE COUNTY COMMISSION, AND PROVIDING FOR EXPIRATION WITHIN THREE MONTHS AFTER THE EXPIRATION OF RESOLUTION 320-2005, WHICHEVER OCCURS FIRST.

DRAFT BOCC RESOLUTION

ZONING IN PROGRESS

**THREE MONTH EXTENSION OF A ZONING IN PROGRESS
DEFERRING ACCEPTANCE AND PROCESSING OF DEVELOPMENT
APPLICATIONS AND THE ISSUANCE OF DEVELOPMENT APPROVALS FOR
THE REDEVELOPMENT OR CONVERSION OF TEN UNITS OR MORE OF
MULTI-FAMILY RENTAL HOUSING AND/OR MOBILE HOME PARKS
AS ESTABLISHED BY RESOLUTION 320-2005.**

**BOARD OF COUNTY COMMISSIONERS
KEY WEST
JANUARY 18, 2006**

RESOLUTION NO. -2006

A RESOLUTION TO EXTEND A ZONING IN PROGRESS DIRECTING STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS AND THE ISSUANCE OF DEVELOPMENT APPROVALS FOR THE REDEVELOPMENT OR CONVERSION OF TEN UNITS OR MORE OF MULTI-FAMILY RENTAL HOUSING AND/OR MOBILE HOME PARKS; CONTINUING THIS POLICY UNTIL NEW LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE COUNTY COMMISSION, AND PROVIDING FOR EXPIRATION WITHIN THREE MONTHS AFTER THE EXPIRATION OF RESOLUTION NO. 320-2005, WHICHEVER OCCURS FIRST.

WHEREAS, on August 17, 2005 the Board of County Commissioners adopted Resolution No. 320-2005 deferring the acceptance and processing of development applications and the issuance of development approvals for the redevelopment or conversion of ten units or more of multi-family rental housing and/or mobile home parks; and

WHEREAS, on December 21, 2005 the Board of County Commissioners adopted an exception to Resolution No. 320-2005 for property owners willing to provide at least 30% of the total redeveloped units for affordable housing by placing a 99 year restrictive covenant on each unit; and

WHEREAS, Section 2 of Resolution No. 320-2005 provides that the ordinance shall stand repealed until new land development regulations are adopted or the passage of 180 days after the adoption of Resolution No. 320-2005; and

WHEREAS, staff, in cooperation with the Planning Commission has diligently pursued various text amendments; and

WHEREAS, the initial text amendment was presented to the Planning Commission in August to encourage the preservation of existing affordable housing by authorizing the placement of an affordable housing deed restriction on an existing dwelling unit and/or mobile home lot within a mobile home park in return for receiving a market rate allocation; and

WHEREAS, the Planning Commission directed staff to revise the draft ordinance; and

WHEREAS, Staff along with White and Smith, LLC incorporated the results of the *Housing Trends in Incorporated and Unincorporated Monroe County* report and further studies by James Nicholas, Professor of Urban and Regional Planning and Law at the University of Florida to create an ordinance which establishes an inclusionary housing standard and trust fund; and

WHEREAS, the Planning Commission made additional requests for information and the ordinance is scheduled to be heard by the Planning Commission on January 11th, 2006; and

WHEREAS, it will be at least several months before these amendments to the land development regulations will be adopted, extending past the time for expiration of the zoning in progress; and

WHEREAS, Planning Staff is not requesting to extend the portion of the resolution that directs staff to defer the acceptance and processing of development applications for a land use district zoning map

amendment from Urban Residential Mobile (URM) and Urban Residential Mobile Home-Limited (URM-L) to any other land use district zoning designation; and

WHEREAS, given the scope of the affordable housing issues and areas to be addressed the three month extension is necessary and reasonable in order to complete a fair and comprehensive planning and public participation process that results in legally and scientifically based policies and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. The provisions set forth in Resolution No. 320-2005 and the exception passed at the December 21st, 2005 Board of County Commissioners meeting, deferring the acceptance and processing of development applications and the issuance of development approvals for the redevelopment or conversion of ten units or more of multi-family rental housing and/or mobile home parks shall remain in full force and in effect for an additional three month period of time.

Section 2. If any sentence, clause, item, change or provision of this section, subsection, or resolution is held invalid, the remainder shall not be affected by such invalidity.

Section 3. All resolution or parts of resolutions in conflict with this resolution are hereby repealed to the extent of said conflict.

Section 4. This resolution shall be filed in the Office of the Secretary of State of the State of Florida.

Section 5. This Resolution shall stand repealed as of 11:59 p.m. on the last day of the three month period following the expiration date of Resolution 320-2005, unless repealed sooner upon the adoption by the Board of County Commissioners and approval by the Florida Department of Community Affairs of land development regulations and comprehensive plan amendments implementing the work program mandated by Rule 28-20.100 F.A.C.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 18th day of January, 2006.

Mayor Charles "Sonny" McCoy _____

Mayor Pro Tem Murray Nelson _____

Commissioner Dixie Spehar _____

Commissioner George Neugent _____

Commissioner David Rice _____

**BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA**

BY _____

Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST:

DANNY L. KOLHAGE, CLERK

By: _____

Deputy Clerk

